

FILED

3/5/2019

LS

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Ago Dunn

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

vs.

Sergeant Spears

Tom Dant

County of Cook

Cook County Sheriff

Department

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:

☒

COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983
U.S. Code (state, county, or municipal defendants)

☐

COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE
28 SECTION 1331 U.S. Code (federal defendants)

☐

OTHER (cite statute, if known)

**BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.**

1:19-cv-00553

Judge Charles R. Norgle, Sr
Magistrate Judge Maria Valdez

PC 4

Case

(To be supplied by the Clerk of this Court)

dy
RECEIVED

JAN 28 2019

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

I. Plaintiff(s):

- A. Name: Ayo Dunn
- B. List all aliases: Lee a DUNN
- C. Prisoner identification number: _____
- D. Place of present confinement: Cook County Jail
- E. Address: 2600 South California, Chicago, IL 60608

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: Sergeant Spears
 Title: Sergeant-Deputy Sheriff
 Place of Employment: Cook County Jail
- B. Defendant: Tom Dart
 Title: Sheriff
 Place of Employment: Cook County, Illinois
- C. Defendant: County of Cook
 Title: Municipality
 Place of Employment: Cook County, Illinois

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

Defendants continued

D. Defendant: Cook County Sheriff Department

Title: Municipality

Place of Employment: Cook County Jail

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States: NA

- A. Name of case and docket number: Johnathan Lacey, et al.,
-vs- Thomas Dart, Sheriff of Cook County, et al., No 14cv6259
- B. Approximate date of filing lawsuit: NA (class action suit)
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: NA
- D. List all defendants: NA
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): United States District Court, Northern District of Illinois,
Eastern Division
- F. Name of judge to whom case was assigned: Honorable Judge
Gettleman
- G. Basic claim made: Unconstitutional conditions of confinement
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): Still pending
- I. Approximate date of disposition: _____

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: Ayo Dunn v Cook County Sheriff etc, et al, No. 1:19-cv-00216
- B. Approximate date of filing lawsuit: January 11, 2019
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: Ayo Dunn
- D. List all defendants: Cook County Sheriff, Tom Dart, Cook County Sheriff Department, Deputy Sheriffs John Does and Jane Does, John Does, Jane Does, The County of Cook, Premier Food Service
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): United State District Court, Northern District of Illinois, Eastern Division
- F. Name of judge to whom case was assigned: Judge Charles R. Nogle, Sr., Magistrate Judge Maria Valdez
- G. Basic claim made: Unhealthy / unsafe conditions of Confinement
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): Still pending
- I. Approximate date of disposition: NA

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

IV. Statement of Claim: (1)

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

^{10th}
In December 2018, while residing in the medical unit (where plaintiff is still presently residing), of the Cook County Jail, plaintiff was the victim of an assault and battery that was committed by a Cook County Deputy Sheriff-employee of the Cook County Jail, whose name is Sergeant Spears. This assault and battery was committed against plaintiff while plaintiff was sitting in a wheel chair on the third floor hallway of the jail's RTU (Resident Treatment Unit), waiting to be taken to a physical therapy appointment. While waiting plaintiff realized that he would not be able to make it to the appointment in the wheelchair he was sitting in, because this chair did not have any leg rests. Without leg rests, the drag-

Statement of Claim (2)

ging of plaintiff's feet, or trying to hold his feet off the ground would only worsen plaintiff's back injury. Plaintiff then got the attention of defendant Spears (Spears), (who was in the hallway); and after explaining the situation asked Spears to provide plaintiff with a wheelchair with leg rests. Spears responded by telling plaintiff that plaintiff would not be provided another wheelchair. Eventually plaintiff found himself in a heated argument with Spears, because Spears was determined to not provide plaintiff with a wheelchair that had leg rests. This heated argument ended when Spears unprovokingly flipped plaintiff out of the wheelchair on to the floor. Plaintiff yelled-out in severe pain, because his fall to the floor caused "re-injury" to his already-injured spine. Two to four minutes later Spears opened a door less than five feet

Statement of Claim (3)

away, and then brought out another wheelchair with leg rests. However, due to the re-injury of plaintiff's spine there was not much plaintiff could accomplish at his physical therapy session (plaintiff experiencing ~~excruciating~~ severe pain when he attempted therapy exercises. Plaintiff filed a jail grievance against Spears. The response plaintiff received while appealing his grievance was that was advised to seek medical treatment, and plaintiff was given an "OPR" complaint register form. Plaintiff has not received a response from this complaint.

Plaintiff claims that the Sheriff Department of Cook County and the County of Cook have a long-standing policy, practice, of and or custom of not taking prompt, effective, and appropriate action against their employees

Statement of Claim (4)

working in the Cook County Jail, when these employees commit violent acts, or other criminal-like conduct against a detainee, like the conduct of Spears against plaintiff. Plaintiff claims that this policy, practice, and or custom has created an unhealthy / unsafe environment for detainees in the jail; and this policy practice, custom was the proximate cause (whole or in part) for Spears' assault and battery against plaintiff.

Plaintiff further claims that Tom Dart (Dart) knew or should have know of this policy, practice, and or custom, but Dart deliberately chose to allow this policy, practice, or custom to continue to exist.

Plaintiff now claims that the Sheriff Department of Cook County and the County of Cook has another policy, practice, and or custom where when a detainee is a victim of an assault and battery committed against them by another detainee, the detainee is given an opportunity to file criminal charges against the offender.

Statement of Claim (5)

However, this opportunity is not available when the offender is a county employee, like Spears.

Plaintiff is suing the defendants both in their individual and official capacities.

Plaintiff is also suing Spears for the state offense of civil battery.

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Plaintiff is seeking compensatory
and punitive damages in amounts
to be specified at a later date

VI. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 1 day of 9, 2019

Ayo Dunn
(Signature of plaintiff or plaintiffs)

Ayo DUNN
(Print name)

20181017024
(I.D. Number)

P.O. Box 089002
Chicago IL 60608
(Address)

APD DUNN ID. 20181017024
PO. Box 089002

Chicago IL 60608

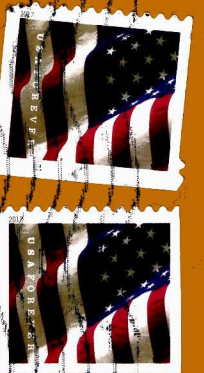
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CLERK
U.S. DISTRICT COURT



01/28/2019-50

SOUTH SUBURBAN, IL 604
WED 23 JAN 2019 PM



United States District Court
219 S. Dearborn Street
Chicago IL 60604

1:19-cv-00553
Judge Charles R. Norgle, Sr
Magistrate Judge Maria Valdez
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